UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG -1 AM 10:23
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

'08 MJ 2367

UNITED STATES OF AMERICA, Plaintiff, v. **1) Ana Lilia GARCIA, 2) Juan Carlos GARCIA,** Defendant(s)	Magistrate Case No. COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **July 30, 2008,** within the Southern District of California, defendant **Ana Lilia GARCIA and Juan Carlos GARCIA** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Julio Adrian PERALES-Morales, Omar MORALES-Gudino,** and **Jorge GARCIA-Ramirez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **AUGUST, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

July 30, 2008

CONTINUATION OF COMPLAINT:
1) Ana Lilia GARCIA
2) Juan Carlos GARCIA

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Julio Adrian PERALES-Morales, Omar MORALES-Gudino,** and **Jorge GARCIA-Ramirez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 30, 2008, Supervisory Border Patrol Agent L. Miele and Border Patrol Agents of the Pine Valley Border Patrol Station were conducting anti-smuggling duties in the Pine Valley Station area of responsibility. All agents were dressed in civilian attire and were operating unmarked Agency surveillance vehicles.

At approximately 9:10 AM, Agent G. Kessinger advised other surveillance units that he had observed a suspicious Sport Utility Vehicle turn onto Tierra Del Sol (TDS) Road near the six mile marker. TDS Road is a notorious alien and narcotics smuggling corridor that spans approximately six and a half miles between Old Highway 80 and the United States/Mexico border, approximately eighteen miles east of the Tecate, California Port of Entry. Agent Kessinger further advised responding agents that the last three numbers of the vehicle's license plate were "973."

The vehicle, a gray Chevrolet Equinox SUV was observed approaching Old Hwy 80 from northbound TDS Road. It proceeded west on Old Hwy 80. Minutes later, Agent Miele observed a gray Chevrolet Equinox Sport Utility Vehicle with license plates bearing the number 973 traveling west on Old Highway 80 near Live Oak Springs Road. The vehicle came back registered to Avis Car rental out of Los Angeles, California, approximately 180 miles outside of the local Boulevard, California area. In the experience of Agent Miele, vehicles found in the immediate border area that are registered so far outside of the local area are often involved in smuggling activity. In addition, Agent Miele and plainclothes anti-smuggling agents know that smugglers often use rental vehicles to conceal the identities of the people involved in the smuggling activity.

As Agent Miele followed the gray Chevrolet west on Old Highway 80 approaching Crestwood Road, he advised agents that he could also see multiple occupants in the vehicle. The driver of the gray Chevrolet slowed and pulled to the shoulder of the road in an attempt to get Agent Miele to pass. When Agent Miele would not pass, the driver pulled back onto the roadway and continued west slowly. At that point, Agent Miele could see that the driver was watching him in the driver's side mirror. At the Crestwood interchange, the vehicle entered Interstate 8 heading east. Agent Miele pulled alongside the gray Chevrolet and clearly observed the female driver, later identified as defendant **Ana Lilia GARCIA,** behind the wheel. Agent Miele also observed through the open rear window that there were three male subjects in the rear seat. All three subjects were disheveled in appearance and were staring straight ahead.

The driver, Ana GARCIA, immediately began slowing, gesturing wildly at Agent Miele and yelling, asking who he was and telling him to get away from her. Agent Miele told Ana GARCIA that he was a Border Patrol Agent, to which she replied, "So what," and continued to gesture and yell at him to get away, stating that she was not doing anything. During this exchange Ana GARCIA slowed almost to a stop on the freeway, and Agent Miele clearly observed a subject later identified as defendant **Juan Carlos GARCIA**, brother of the driver Ana Lilia GARCIA, staring at him with an angry expression from the front passenger seat. Ana GARCIA subsequently accelerated the vehicle, and Agent Miele dropped back and continued to follow.

CFN

CONTINUATION OF COMPLAINT:
1) Ana Lilia GARCIA
2) Juan Carlos GARCIA

Based on the totality of the facts articulated above, Agent Miele suspected the vehicle was involved in alien smuggling. Agent Miele attempted a vehicle stop on the vehicle in order to perform an immigration inspection on its occupants. The vehicle failed to yield, accelerating to an estimated 80 miles per hour. Supervisory Border Patrol Agent J. Ortiz of the Boulevard Station rendered assistance in a marked Border Patrol vehicle with his emergency equipment activated, but Ana GARCIA continued east. Just east of Ribbonwood Road, Agent M. Saclarides attempted to deploy a Controlled Tire Deflation Device (CTDD) on the gray Chevrolet SUV as Ana GARCIA passed, but she swerved the vehicle wildly to the right, avoiding the CTDD. Ana GARCIA continued approximately 100 yards east before slamming on the brakes and cutting north through the freeway median. Ana GARCIA abruptly turned left on Interstate 8. Agent Saclarides then ran north across the median strip with his CTDD and pulled it out in front of Ana GARCIA as she accelerated west into traffic lanes from the median. Ana GARCIA again slammed on the brakes, this time short of the CTDD and the vehicle came to a stop.

Agent Miele approached the driver's side of the gray Chevrolet, identifying himself as a Border Patrol Agent verbally and by display of his Agency issued badge while Agent Ortiz simultaneously approached the passenger side in full uniform. Agent Miele ordered Ana GARCIA three times to turn off the vehicle and exit, but she refused, yelling and protesting loudly. Agent Miele then opened the driver's door, unsnapped her seatbelt and attempted to remove her from the vehicle. Ana GARCIA resisted, pushing back against Agent Miele, then grabbing onto the steering wheel with both hands. Agent Miele applied an armbar hold to her left arm and forcibly removed her from the vehicle. Ana GARCIA was placed under arrest at approximately 9:40 AM. Agent Ortiz removed Juan Carlos GARCIA from the front seat while agents removed the three passengers from the rear of the vehicle. Agent Miele conducted field interviews on all three of the rear seat passengers, and all three admitted to being citizens of Mexico in the United States illegally. Juan Carlos GARCIA was determined to be a United States citizen, and he was arrested as a co-principal for alien smuggling. All five subjects were transported along with the gray Chevrolet SUV to the Pine Valley Border Patrol Station for processing.

During a post-arrest search of the vehicle, agents recovered a white Blackberry cellular telephone, which Ana GARCIA identified as belonging to her. Agents conducted a post-arrest search of the telephone's call log for evidence of the smuggling event upon arriving to the Pine Valley Station and identified a telephone number in the recent calls as belonging to an individual identified through prior events as an alien smuggling organizer. Agents have identified this subject's telephone number on the cellular telephones of drivers in at least nine recorded alien smuggling events since September 2007.

STATEMENTS OF MATERIAL WITNESSES:

Material witnesses Julio Adrian PERALES-Morales, Omar MORALES-Gudino, and Jorge GARCIA-Ramirez admit to being citizens and nationals of Mexico illegally present in the United States. Each made arrangements to be smuggled into the United States for amounts ranging from $2800 to $3000 US. They were taken to a house the day before where they stayed until early morning before being picked up and transferred to a ranch where four more people were waiting. They were all were picked up from the ranch in mini-van and were driven to the border fence where they were met by and were guided across the border by foot guides. They walked for thirty minutes to an hour stopping many times before reaching the pick up spot. They then hid in the brush next to a dirt road. When the load vehicle arrived it contained two people, a man and a woman. The vehicle was being driven by the woman. The guide told the group of three to get in while he stayed behind with the other four people waiting for a second load vehicle. Upon reaching a paved road the driver stopped the vehicle. She got out and cleaned the dust off the windshield with a rag before proceeding.

CFN

CONTINUATION OF COMPLAINT:
1) Ana Lilia GARCIA
2) Juan Carlos GARCIA

The female driver who spoke a little Spanish instructed the group on how to act and what to say if they were stopped and questioned by the Border Patrol, specifically that they were United States citizens on their way to the casino. The male passenger who was fluent in Spanish translated for the woman.

A short time later a dark vehicle appeared and pulled alongside them. The driver of the other vehicle said something to the female driver in English. The male passenger translated to the group that the man in the dark vehicle was Immigration. The woman told the group not to be nervous and she began driving very fast. Material Witness Jorge GARCIA-Ramirez stated that both the driver and the front seat passenger told them not to turn their heads around while the truck was next to them. Once the driver finally stopped the vehicle, they were arrested by the Border Patrol.

In a photographic line up material witnesses MORALES and GARCIA identify the driver as the defendant Ana Lilia GARCIA. All the material witnesses identify the male passenger as defendant Juan Carlos GARCIA.